

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2045

(Reference to printed concurrent resolution)

Strike everything after the resolving clause and insert:

"1. Article IV, part 1, section 1, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

1. Legislative authority; initiative and referendum

Section 1. (1) Senate; house of representatives; reservation of power to people. The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature.

(2) Initiative power. The first of these reserved powers is the initiative. Under this power ten per ~~centum~~ CENT of the qualified electors shall have the right to propose any measure, and fifteen per ~~centum~~ CENT shall have the right to propose any amendment to the constitution.

(3) Referendum power; emergency measures; effective date of acts. The second of these reserved powers is the referendum. Under this power the legislature, or five per ~~centum~~ CENT of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the state government and state institutions; but to allow opportunity for

1 referendum petitions, no act passed by the legislature shall be  
2 operative for ninety days after the close of the session of the  
3 legislature enacting such measure, except such as require earlier  
4 operation to preserve the public peace, health, or safety, or to  
5 provide appropriations for the support and maintenance of the  
6 departments of the state and of state institutions; provided,  
7 that no such emergency measure shall be considered passed by the  
8 legislature unless it shall state in a separate section why it is  
9 necessary that it shall become immediately operative, and shall  
10 be approved by the affirmative votes of two-thirds of the members  
11 elected to each house of the legislature, taken by roll call of  
12 ayes and nays, and also approved by the governor; and should such  
13 measure be vetoed by the governor, it shall not become a law  
14 unless it shall be approved by the votes of three-fourths of the  
15 members elected to each house of the legislature, taken by roll  
16 call of ayes and nays.

17 (4) Initiative and referendum petitions; filing. All  
18 petitions submitted under the power of the initiative shall be  
19 known as initiative petitions, and shall be filed with the  
20 secretary of state not ~~less~~ **LATER** than ~~four months~~ **DECEMBER 31 IN**  
21 **THE YEAR** preceding the date of the election at which the measures  
22 so proposed are to be voted upon. All petitions submitted under  
23 the power of the referendum shall be known as referendum  
24 petitions, and shall be filed with the secretary of state not  
25 more than ninety days after the final adjournment of the session  
26 of the legislature which shall have passed the measure to which  
27 the referendum is applied. The filing of a referendum petition  
28 against any item, section, or part of any measure shall not  
29 prevent the remainder of such measure from becoming operative.

1           (5) Effective date of initiative and referendum measures.  
2       Any measure or amendment to the constitution proposed under the  
3       initiative, and any measure to which the referendum is applied,  
4       shall be referred to a vote of the qualified electors, and shall  
5       become law when approved by a majority of the votes cast thereon  
6       and upon proclamation of the governor, and not otherwise. ~~FOR~~  
7       ~~ANY CONSTITUTIONAL AMENDMENT THAT IS APPROVED BY A VOTE OF THE~~  
8       ~~QUALIFIED ELECTORS, THE CONSTITUTIONAL AMENDMENT IS ENACTED INTO~~  
9       ~~LAW BUT SHALL BE REFERRED AGAIN TO THE VOTE OF THE QUALIFIED~~  
10      ~~ELECTORS AT THE GENERAL ELECTION HELD EIGHT YEARS AFTER ITS~~  
11      ~~INITIAL PASSAGE. THIS RESUBMITTAL OF AN APPROVED MEASURE SHALL~~  
12      ~~OCCUR BY OPERATION OF LAW AND IS EXEMPT FROM PETITION CIRCULATION~~  
13      ~~AND LEGISLATIVE REVIEW.~~

14           (6) (a) Veto of initiative or referendum. The veto power  
15      of the governor shall not extend to an initiative measure  
16      approved by a majority of the votes cast thereon or to a  
17      referendum measure decided by a majority of the votes cast  
18      thereon.

19           ~~(6)~~ (b) Legislature's power to repeal initiative or  
20      referendum. The legislature shall not have the power to repeal an  
21      initiative measure approved by a majority of the votes cast  
22      thereon or to repeal a referendum measure decided by a majority  
23      of the votes cast thereon.

24           ~~(6)~~ (c) Legislature's power to amend initiative or  
25      referendum. The legislature shall not have the power to amend an  
26      initiative measure approved by a majority of the votes cast  
27      thereon, or to amend a referendum measure decided by a majority  
28      of the votes cast thereon, unless the amending legislation  
29      furthers the ~~purposes of~~ ~~THE INTENT OF THE PEOPLE IN ADOPTING~~  
30      such measure ~~AND IS NECESSARY TO CORRECT PROBLEMS IN IMPLEMENTING~~  
31      ~~THE MEASURE~~ and at least ~~three-fourths~~ ~~TWO-THIRDS~~ of the members  
32      of each house of the legislature, by a roll call of ayes and

1 nays, vote to amend such measure.

2 ~~(6)~~ (d) Legislature's power to appropriate or divert  
3 funds created by initiative or referendum. The legislature shall  
4 not have the power to appropriate or divert funds created or  
5 allocated to a specific purpose by an initiative measure approved  
6 by a majority of the votes cast thereon, or by a referendum  
7 measure decided by a majority of the votes cast thereon, unless  
8 the appropriation or diversion of funds furthers the ~~purposes of~~  
9 ~~INTENT OF THE PEOPLE IN ADOPTING~~ such measure ~~AND IS NECESSARY TO~~  
10 ~~CORRECT PROBLEMS IN IMPLEMENTING THE MEASURE~~ and at least  
11 ~~three-fourths~~ ~~TWO-THIRDS~~ of the members of each house of the  
12 legislature, by a roll call of ayes and nays, vote to appropriate  
13 or divert such funds.

14 (7) Number of qualified electors. The whole number of  
15 votes cast for all candidates for governor at the general  
16 election last preceding the filing of any initiative or  
17 referendum petition on a state or county measure shall be the  
18 basis on which the number of qualified electors required to sign  
19 such petition shall be computed.

20 (8) Local, city, town or county matters. The powers of  
21 the initiative and the referendum are hereby further reserved to  
22 the qualified electors of every incorporated city, town, and  
23 county as to all local, city, town, or county matters on which  
24 such incorporated cities, towns, and counties are or shall be  
25 empowered by general laws to legislate. Such incorporated  
26 cities, towns, and counties may prescribe the manner of  
27 exercising said powers within the restrictions of general laws.  
28 Under the power of the initiative fifteen per ~~centum~~ ~~CENT~~ of the  
29 qualified electors may propose measures on such local, city,  
30 town, or county matters, and ten per ~~centum~~ ~~CENT~~ of the electors  
31 may propose the referendum on legislation enacted within and by  
32 such city, town, or county. Until provided by general law, said

1 cities and towns may prescribe the basis on which said  
2 percentages shall be computed.

3 (9) Form and contents of initiative and of referendum  
4 petitions; verification. Every initiative or referendum petition  
5 shall be addressed to the secretary of state in the case of  
6 petitions for or on state measures, and to the clerk of the board  
7 of supervisors, city clerk, or corresponding officer in the case  
8 of petitions for or on county, city, or town measures; and shall  
9 contain the declaration of each petitioner, for himself, that he  
10 is a qualified elector of the state (and in the case of petitions  
11 for or on city, town, or county measures, of the city, town, or  
12 county affected), his post office address, the street and number,  
13 if any, of his residence, and the date on which he signed such  
14 petition. FOR STATE MEASURES, EACH SHEET CONTAINING SIGNATURES  
15 SHALL BE ATTACHED TO A STATEMENT THAT DESCRIBES THE INTENT OF THE  
16 MEASURE. FOR COUNTY, CITY OR TOWN MEASURES, each sheet  
17 containing petitioners' signatures shall be attached to a full  
18 and correct copy of the title and text of the measure so proposed  
19 to be initiated or referred to the people. ~~, and~~ Every sheet of  
20 every ~~such~~ STATE, COUNTY, CITY OR TOWN petition containing  
21 signatures shall be verified by the affidavit of the person who  
22 circulated said sheet or petition, setting forth that each of the  
23 names on said sheet was signed in the presence of the affiant and  
24 that in the belief of the affiant each signer was a qualified  
25 elector of the state, or in the case of a city, town, or county  
26 measure, of the city, town, or county affected by the measure so  
27 proposed to be initiated or referred to the people.

28 (10) FOR STATE INITIATIVE MEASURES, THE FOLLOWING PROCESS  
29 APPLIES:

1           (a) AFTER CIRCULATING THE DESCRIPTION OF INITIATIVE INTENT  
2           AND COLLECTING SUFFICIENT SIGNATURES AS OTHERWISE PROVIDED BY  
3           LAW, THE PERSON PROPOSING THE INITIATIVE MEASURE SHALL SUBMIT THE  
4           DESCRIPTION OF INITIATIVE INTENT TO THE LEGISLATURE NO LATER THAN  
5           THE SECOND MONDAY IN JANUARY IN THE YEAR OF A GENERAL ELECTION.

6           (b) THE LEGISLATURE SHALL HOLD HEARINGS ON THE PROPOSED  
7           LANGUAGE FOR THE INITIATIVE MEASURE AND SHALL SOLICIT COMMENT  
8           FROM THE PUBLIC ON THE LANGUAGE. THE LEGISLATIVE COUNCIL SHALL  
9           ASSIST IN DRAFTING THE LANGUAGE FOR THE PROPOSED INITIATIVE.

10          (c) NO LATER THAN MARCH 15 IN THE YEAR OF A GENERAL  
11          ELECTION, THE LEGISLATURE SHALL COMPLETE ITS CONSIDERATION OF THE  
12          PROPOSED LANGUAGE OF THE INITIATIVE MEASURE AND MAY AMEND AND  
13          ADOPT THE PROPOSED LANGUAGE AS IF IT WERE ANY OTHER LEGISLATIVE  
14          MEASURE.

15          (d) IF THE PROPOSED MEASURE IS A STATUTORY AMENDMENT, THE  
16          PERSON WHO PROPOSED THE INITIATIVE MEASURE MAY ACCEPT OR REJECT  
17          THE LANGUAGE PROPOSED AND ADOPTED BY THE LEGISLATURE FOR THE  
18          MEASURE. IF THE PERSON WHO PROPOSED THE INITIATIVE MEASURE  
19          ACCEPTS THE LANGUAGE PROPOSED BY THE LEGISLATURE, THE LANGUAGE  
20          ADOPTED BY THE LEGISLATURE BECOMES LAW AND THE INITIATIVE MEASURE  
21          SHALL NOT BE SUBMITTED TO A VOTE OF THE QUALIFIED ELECTORS. IF  
22          THE PERSON WHO PROPOSED THE INITIATIVE MEASURE REJECTS THE  
23          LEGISLATURE'S PROPOSED LANGUAGE OR THE LEGISLATURE FAILS TO ENACT  
24          LANGUAGE FOR THE INITIATIVE MEASURE, THAT PERSON MAY CONTINUE THE  
25          INITIATIVE MEASURE USING PROPOSED LANGUAGE AS DETERMINED BY THAT  
26          PERSON, WHICH SHALL BE SUBMITTED TO A VOTE OF THE QUALIFIED  
27          ELECTORS AT THE NEXT GENERAL ELECTION.

28          (e) IF THE PROPOSED MEASURE IS A CONSTITUTIONAL AMENDMENT,  
29          THE PERSON WHO PROPOSED THE INITIATIVE MEASURE MAY ACCEPT OR  
30          REJECT THE LANGUAGE PROPOSED AND ADOPTED BY THE LEGISLATURE FOR  
31          THE MEASURE. IF THE PERSON WHO PROPOSED THE INITIATIVE MEASURE  
32          ACCEPTS THE LANGUAGE PROPOSED BY THE LEGISLATURE, THE LANGUAGE

1           ADOPTED BY THE LEGISLATURE FOR THAT MEASURE SHALL BE SUBMITTED TO  
2           A VOTE OF THE QUALIFIED ELECTORS. IF THE PERSON WHO PROPOSED THE  
3           INITIATIVE MEASURE REJECTS THE LEGISLATURE'S PROPOSED LANGUAGE OR  
4           THE LEGISLATURE FAILS TO ENACT LANGUAGE FOR THE INITIATIVE  
5           MEASURE, THAT PERSON MAY CONTINUE THE INITIATIVE MEASURE USING  
6           PROPOSED LANGUAGE AS DETERMINED BY THAT PERSON, WHICH SHALL BE  
7           SUBMITTED TO A VOTE OF THE QUALIFIED ELECTORS AT THE NEXT GENERAL  
8           ELECTION.

9           (f) ON COMPLETION OF LANGUAGE FOR ANY CONSTITUTIONAL OR  
10          STATUTORY MEASURE TO BE SUBMITTED TO THE BALLOT, THE LEGISLATIVE  
11          COUNCIL SHALL PROVIDE A SHORT DESCRIPTIVE STATEMENT FOR THE  
12          MEASURE AS OTHERWISE PROVIDED BY LAW.

13          ~~(10)~~ (11) Official ballot. When any initiative or  
14          referendum petition or any measure referred to the people by the  
15          legislature shall be filed, in accordance with this section, with  
16          the secretary of state, he shall cause to be printed on the  
17          official ballot at the next regular general election the title  
18          and number of said measure, together with the words "yes" and  
19          "no" in such manner that the electors may express at the polls  
20          their approval or disapproval of the measure.

21          ~~(11)~~ (12) Publication of measures. The text of all  
22          measures to be submitted shall be published as proposed  
23          amendments to the constitution are published, and in submitting  
24          such measures and proposed amendments the secretary of state and  
25          all other officers shall be guided by the general law until  
26          legislation shall be especially provided therefor.

27          ~~(12)~~ (13) Conflicting measures or constitutional  
28          amendments. If two or more conflicting measures or amendments to  
29          the constitution shall be approved by the people at the same  
30          election, the measure or amendment receiving the greatest number  
31          of affirmative votes shall prevail in all particulars as to which  
32          there is conflict.

1                   ~~(13)~~ (14) Canvass of votes; proclamation. It shall be  
2                   the duty of the secretary of state, in the presence of the  
3                   governor and the chief justice of the supreme court, to canvass  
4                   the votes for and against each such measure or proposed amendment  
5                   to the constitution within thirty days after the election, and  
6                   upon the completion of the canvass the governor shall forthwith  
7                   issue a proclamation, giving the whole number of votes cast for  
8                   and against each measure or proposed amendment, and declaring  
9                   such measures or amendments as are approved by a majority of  
10                  those voting thereon to be law.

11                  ~~(14)~~ (15) Reservation of legislative power. This section  
12                  shall not be construed to deprive the legislature of the right to  
13                  enact any measure except that the legislature shall not have the  
14                  power to adopt any measure that supersedes, in whole or in part,  
15                  any initiative measure approved by a majority of the votes cast  
16                  thereon or any referendum measure decided by a majority of the  
17                  votes cast thereon unless the superseding measure furthers the  
18                  ~~purposes of~~ THE INTENT OF THE PEOPLE IN ADOPTING the initiative  
19                  or referendum measure AND IS NECESSARY TO CORRECT PROBLEMS IN  
20                  IMPLEMENTING THE INITIATIVE OR REFERENDUM MEASURE and at least  
21                  ~~three-fourths~~ TWO-THIRDS of the members of each house of the  
22                  legislature, by a roll call of ayes and nays, vote to supersede  
23                  such initiative or referendum measure.

24                  ~~(15)~~ (16) Legislature's right to refer measure to the  
25                  people. Nothing in this section shall be construed to deprive or  
26                  limit the legislature of the right to order the submission to the  
27                  people at the polls of any measure, item, section, or part of any  
28                  measure.



1                   ~~(16)~~ (17) Self-executing. This section of the  
2                   constitution shall be, in all respects, self-executing.  
3                   2. The Secretary of State shall submit this proposition to the voters  
4                   at the next general election as provided by article XXI, Constitution of  
5                   Arizona."  
6   Amend title to conform  
  
and, as so amended, it do pass

KIRK ADAMS  
Chairman

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